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Legislation worldwide to combat online child sexual exploitation and abuse

Resolution adopted unanimously by the 143rd IPU Assembly (Madrid, 30 November 2021)

The 143rd Assembly of the Inter-Parliamentary Union,

Condemning all forms of online child sexual exploitation and abuse,

Recalling the universally accepted UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, as well as the UN Committee on the Rights of the Child's Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography,

Also recalling the Council of Europe's widely recognized Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the "Lanzarote Convention"),

Further recalling in particular Article 19 of the Convention on the Rights of the Child on the protection of children from all forms of violence, injury, neglect, exploitation and abuse, including sexual abuse,

Reaffirming that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation, survival and development, provide the framework for all actions concerning children,

Noting that the sale, trafficking and online child sexual exploitation and abuse is a growing and international concern that needs cross-border collaboration and coordination, and acknowledging that the fight against it has to be a high-priority global initiative,

Acknowledging the necessity of a multifaceted approach to effectively prevent and combat online child sexual exploitation and abuse on all levels in order to protect children from such exploitation in the first place,

Bearing in mind the lack of a sufficient legal framework, specifically legal provisions criminalizing all forms of online child sexual exploitation and abuse, budget, technical expertise and workforce in many States to effectively combat online child sexual exploitation and abuse,

Recognizing the importance of creating awareness about the preventive measures and harmful effects of online child sexual exploitation and abuse in the eyes of the public, particularly parents, teachers, children and community leaders, legislatures, law enforcement agencies and all other relevant policymakers,

Considering that children's voices are in general little or badly considered, and that law enforcement agents and judges are still poorly or not at all informed about cases of online sexual exploitation and abuse children can be victims of,

Acknowledging the importance of relevant (sexual) education programmes, communication campaigns and media literacy as a basis for prevention in any cultural milieu, as well as education on the role that increased digital capabilities play in increasing the vulnerability of victims and facilitating perpetrators of online child sexual exploitation and abuse,

Recognizing the importance of information and communications technologies in children's lives as a new tool for learning, socialization, expression, inclusion and fulfilment of the rights of the child and fundamental freedoms, such as the right to education and the right to freedom of expression,

Deeply concerned by risks of new and evolving forms of violence against children, child sexual abuse and exploitation, which are related to the use of information and communications technologies, and by cyber-bullying,

Noting the precarious situation of the child in cases of online child sexual exploitation and abuse and the importance of a victim-centred approach when combatting online child sexual exploitation and abuse, as well as child-centred rehabilitation processes,

Considering that it often takes minors who are victims of sexual abuse, either by direct or online exploitation, many years before they talk, if at all, about what they had gone through, and even longer before taking any legal steps,

Mindful that, although girls seem to be the main victims of online child sexual exploitation and abuse, many boys are affected as well, and both must be approached differently in terms of prevention programmes and financing,

Conscious that child exploitation is also a commercial act and may thus be driven by economic motivations,

Noting that the fight against online child sexual exploitation and abuse is complicated by the increased access to the internet, fast-moving new technologies such as cryptocurrencies and Blockchain, with their untraceable nature in the commercial sale of child exploitation materials, the number of online platforms and apps, as well as anonymous features of platforms, which have made it harder to target perpetrators,

Stressing the importance of cross-sector, multi-disciplinary and international collaboration in the strategy to combat online child sexual exploitation and abuse, and recognizing the existing work of organizations such as INTERPOL and the International Telecommunication Union,

Underlining the corporate social responsibility that private sector information and communications technology companies must take for combatting, preventing and monitoring online child sexual exploitation and abuse,

1. *Urges* those parliaments that have not yet done so to consider ratifying the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
2. *Urges* parliaments to adopt specific, comprehensive and harmonized legal frameworks to introduce national online child sexual exploitation and abuse laws, considering the WeProtect Global Alliance's Model National Response as the guiding model for legislation while maintaining protection of freedom of expression, to increase resources allocated to this work and to exchange among themselves good practices in this regard;

3. *Underlines* that such a legal framework should protect all children under the age of 18 regardless of a lower age of consent for sexual activity, and stipulate that a child cannot be considered as able to consent to engage in online child sexual exploitation and abuse, and should include provisions to avoid re-traumatization and re-victimization of victims throughout the investigative and judicial proceedings;
4. *Urges* parliaments to ensure that the national legal framework includes complete definitions and criminalization of all forms of online sexual exploitation and abuse of children for financial gain, and of the production, possession, and distribution of child sexual abuse materials along with repeated access to websites containing such images; also, legislation must consider online sexual offences against children as an extraditable offence and must establish a legal basis for mutual legal assistance between States in respect of the investigation of online offences;
5. *Also urges* parliaments to ensure that cross-border cooperation and coordination between law enforcement authorities is established to prevent known perpetrators from committing abuse in other countries, taking into account existing efforts involving INTERPOL, the International Telecommunication Union and other international organizations;
6. *Calls upon* members of parliament to emphasize the need for rapid and effective international cooperation and law enforcement responses, such as removing hurdles preventing law enforcement agencies from sharing vital information, and to address the growing illegal usage of cryptocurrencies to trade in child sexual exploitation material;
7. *Emphasizes* the importance of a strategic private sector commitment to cooperation with law enforcement agencies including in the reporting, prevention, detection, investigation, and prosecution of online child sexual exploitation and abuse offenders, and of strengthening and equipping law enforcement agencies and the justice system to ensure a child-friendly system, including specialized training in the detection and investigation of crimes against children, as well as specialized treatment, care and interview of child victims;
8. *Urges* parliaments to ensure that technology companies commit to increase the transparency and accountability measures in the prevention, moderation, reporting and removal of online child sexual exploitation and abuse, including a safety by design approach;
9. *Also urges* parliaments to develop thorough infrastructure, including trained medical professionals, to support victims of online child sexual exploitation, abuse and blackmail in their physical and psychological recovery and social integration, whilst ensuring a healthy and supportive reporting environment in their State, avoiding the re-victimization of girls, boys and adolescents who have been victims of online sexual exploitation and abuse, and ensuring sufficient financial and human resources for, inter alia, educational programmes that are also accessible to children with disabilities, hotlines for low-threshold reporting of suspected child sexual abuse material and victim helplines;
10. *Further urges* parliaments to promote media literacy for children, parents and guardians to build knowledge and skills in using media and thus provide protection to children and young people;
11. *Urges* parliaments to ensure that measures to prevent and combat online child sexual exploitation and abuse take into account the differentiated needs and experiences of children according to their age and sex, including by ensuring their participation in the development of such measures;

12. *Calls on* the IPU to draft a model law for States and formalize, in the best interests of the child, clear legislation on combatting online child sexual exploitation and abuse, where children's rights, education, voices, needs and security should take centre stage in any proceedings that affect their wellbeing;
13. *Also calls on* the IPU to prepare a parliamentary guide that sets out clear working mechanisms for parliaments and to discuss legislation on combatting online exploitation and sexual abuse of children; moreover, the guide shall include oversight tools to monitor public policies on the protection of children and include specific mechanisms of action that are compatible with parliaments in different regions of the world;
14. *Recognizes* the active role of men and boys as strategic partners and allies in changing norms and practices that motivate all forms of gender-based violence, including online child sexual exploitation and abuse;
15. *Requests* parliaments to undertake to promote, by all means necessary, the need for professionals surrounding children to identify the violence committed against them, and to mobilize these professionals to this effect, namely by providing training to detect such violence and by making available resources for and advice on the transmission and reporting of such alarming information;
16. *Emphasizes* that children should never be blamed for abuse and that victim blaming should be prevented by all possible means;
17. *Underlines* the importance of the role of poverty, inequitable socio-economic structures, lack of education, gender discrimination, harmful traditional practices in online child sexual exploitation and abuse, and emphasizes the importance of the economic empowerment of women, and therefore calls for intensifying the international community's efforts to combat poverty as an important entry point to combatting such crimes;
18. *Calls on* parliaments to legislate that companies in the digital industry develop programmes and mechanisms to automatically identify and report any harmful content related to online child sexual exploitation and abuse and are obliged to detect and delete this content immediately;
19. *Also calls on* parliaments to facilitate automated detection methods while ensuring respect for personal integrity, bearing in mind Article 16 of the Convention on the Rights of the Child on the right to privacy, and also Article 17 of the International Covenant on the Civil and Political Rights, which provides for the right to privacy and family;
20. *Calls on* parliaments, law enforcement agencies, internet service providers and internet infrastructure officials, including the Internet Governance Forum, to unite and work together to establish a specific and effective mechanism that combats all malicious activities online;
21. *Emphasizes* the need for sustained education focusing on digital culture change amongst youth for relevant policy makers, law enforcement agencies, education sector and staff working with children and youth, and the public, including both children and their parents;
22. *Invites* the IPU to schedule periodic meetings and workshops with the UN Special Rapporteur on the sale and sexual exploitation of children and with other stakeholders and global activists in the fight against this phenomenon, emphasizing global initiatives for preventing and tackling the problem; and also invites parliaments to exchange, through IPU activities, information regarding good practices and successful experiences in combatting online child sexual exploitation and abuse.